UNITED NATIONS

CEDAW

# Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.365
5 June 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 365th MEETING

Held at Headquarters, New York,
on Thursday, 22 January 1998 at 10.15 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe (CEDAW/C/ZWE/1)

1. At the invitation of the Chairperson, Ms. Lesabe, Mr. Zamchiya, Mr. Chiweshe and Ms. Dangarembizi (Zimbabwe) took places at the Committee table.

2. Ms. LESABE (Zimbabwe), introducing the initial report of Zimbabwe (CEDAW/C/ZWE/1), said that Zimbabwe had demonstrated a strong political commitment to the advancement of women and was one of the most progressive countries in Africa with regard to gender issues, as evidenced by the establishment of national machinery for the advancement of women and the appointment of gender focal persons in all ministries. However, the Zimbabwean Government was aware that major obstacles to gender equality still existed, including negative attitudes towards women and retrogressive customary laws and practices. Moreover, many women remained ignorant of their rights and were hesitant to exercise them. The Government had nevertheless resolved to maintain and continuously review policies designed to improve the situation of women. Zimbabwe's initial report was the product of a broad consultative process involving the Government and non-governmental organizations and research institutions involved in gender and development issues.

3. Mr. ZAMCHIYA (Zimbabwe) said that, prior to 1997, the Zimbabwean Constitution had made no mention of sex discrimination. That omission had since been rectified. In 1981, the Government had established the Ministry of Community Development and Women's Affairs as the national machinery for the advancement of women. The Ministry's mandate had been to promote the development of women and their integration into social, economic and cultural life. Although the Ministry had been subsequently dissolved, the national machinery continued to exist. The main objective of the machinery was to make all government policies and programmes gender-specific, provide policy guidelines and monitor the status of women. Gender focal persons, whose purpose was to expedite gender-responsive planning and ensure that government policies and programmes integrated gender concerns, had been appointed to all ministries.

4. Women who suffered sex discrimination could seek redress from the courts and the Office of the Ombudsman, whose powers had been extended to include investigations of human rights violations. The Government had also established victim-friendly courts in order to protect vulnerable witnesses when they gave evidence. In such courts, a vulnerable witness was allowed to give evidence from a separate room, a procedure that had been helpful mainly in cases involving child abuse and rape. As a result of that innovation, such cases were increasingly being tried in the courts.

5. Exact statistics on violence against women were not known since most cases went unreported. However, more and more victims were reporting such cases because a supportive environment now existed. Many of the police officers handling such cases had been trained in gender-awareness, and a study of the

existing laws dealing with violence was being carried out to establish whether it was necessary to enact specific legislation on violence.

6. Although the Zimbabwean Constitution made no specific reference to affirmative action, a number of such programmes were in place. Affirmative action was designed to enhance the participation of women and girls in education, employment and politics. Despite policy pronouncements by the Government about the need for gender equality, practical progress had been slow. Traditional attitudes towards sex roles continued to prevail in Zimbabwe. Women were viewed as full-time mothers and housewives subordinate to men. Males were still considered to be breadwinners responsible for supporting their families. Social, cultural and economic institutions in Zimbabwe were hostile to women's adoption of non-traditional roles. However, given the harsh realities of the current structural adjustment programme, gender roles were beginning to change as more and more women were entering the informal sector in order to supplement family income. In addition, the Government had embarked on a programme to review all school textbooks for gender responsiveness.

7. The Government's position on prostitution and trafficking in women was prohibitionist, a stance that enjoyed wide social acceptance. In practice, however, punitive measures were taken against women soliciting for the purpose of prostitution but not against men who bought sexual services. The Government had been very slow in addressing that problem.

8. Public and political life was still dominated by men, although there were no legal barriers to female participation. Previously, there had not been much social, financial or moral support for women with political ambitions since politics was widely considered to be men's work. However, the national machinery for the advancement of women had embarked on a nationwide programme to increase female participation in politics and decision-making processes. The Government had announced an affirmative-action policy designed to ensure that 25 per cent of rural council positions were held by women by the year 2000.

9. There was no law that prevented a woman from representing her country at the international level. However, such women were few. In 1995, Zimbabwe had only four female ambassadors and high commissioners out of a total of 33. Figures on female representation in other international bodies were not readily available.

10. Prior to a 1996 constitutional amendment, a foreign woman could acquire Zimbabwean citizenship by registration through marriage to a Zimbabwean man, whereas a foreign man married to a Zimbabwean woman did not enjoy the same right. That kind of discrimination no longer existed, since the qualifications required for male foreign spouses now also applied to female spouses. Women could transmit their citizenship to children regardless of whether or not they were married.

11. Gains had been made in the education of girls, as evidenced by the equal numbers of boys and girls attending primary school. However, the drop-out rate of females from secondary schools was still higher than that of males, and secondary and post-secondary schools were still male-dominated. Government measures to reduce the drop-out rate had not proved effective and there were

consequently fewer women eligible for vocational, tertiary and university education. In 1995, the University of Zimbabwe had introduced an affirmative-action policy for female enrolment, which had increased enrolment from 26 per cent in 1995 to 36 per cent in 1996.

12. Women continued to be under-represented in all areas of the teaching profession except in the field of early childhood education. Although women's and men's university achievement records were equal, surveys had shown that women were not hired, promoted or given access to career development to the same extent as men. That practice was particularly widespread in the private sector.

13. Pregnant schoolgirls were given an opportunity to continue their education after the birth of their children. The policy of expelling pregnant student teachers had also been reviewed following a High Court judgement, and pregnant student teachers would now be allowed to continue their studies. The Ministry of Education, Sports and Culture was preparing a human rights curriculum that would be taught throughout Zimbabwe's primary and secondary schools.

14. Women were free to pursue any profession in Zimbabwe, although they tended to be concentrated in those areas that reflected their role as mothers and in low-paying jobs. Few women had entered traditionally male professions, although they were not disbarred from doing so by law.

15. The Government's policy of health for all sought to ensure that everyone, regardless of sex, had access to health services. However, gains made in the health sector were being eroded by the HIV/AIDS pandemic, which had increased the burden of work on women, since most caregivers were women. Services had been developed to provide a wide range of family-planning methods and counselling. Male-motivation programmes were also in place to ensure that women were not entirely responsible for birth control.

16. Married women had the right to acquire and register immovable property without the assistance of their spouses, and both married and single women could borrow from any lending institution in their individual capacity. However, many banks, concerned that women would be unable to repay loans because of their lack of collateral and business skills, refused to lend money to women or would do so only with their husband's consent. Although the national sport, recreation and cultural policy specifically provided for equal opportunities for women, girl children and people with special needs, few women participated in sporting, recreational and cultural activities. An amendment to the Income Tax Act had ensured that men and women were taxed according to their income, regardless of their marital status.

17. Although rural women provided most of the temporary, casual and seasonal labour in commercial agriculture, they had little control over the land and could not use it as collateral for agricultural loans. In communal areas, they had no primary land-use rights even though they provided most of the agricultural labour. Health and educational facilities in rural areas were of a lower quality than those in urban areas.

18. Under the Constitution, everyone was entitled to equal protection of the law. Women could sue and be sued in their own capacity, and the courts were

supposed to treat men and women equally. However, women's groups had complained that the courts did not take cases of domestic violence seriously and were too lenient with offenders. Since not many women could afford legal services, and few lawyers ever took up cases on their behalf free of charge, the implementation of the 1997 Legal Aid Act would be of great benefit to women. Although men and women enjoyed freedom of movement and had the right to choose their place of residence, under common law a married woman assumed her husband's domicile and could not acquire her own as long as they remained married.

19. Marriage was governed by both general and customary law. General law gave a married woman more rights than did customary law, particularly in the case of unregistered customary-law marriage. However, most women living in rural areas contracted unregistered customary-law unions. In practice, customary marriage was an agreement between two families whose terms and conditions were negotiated between the two kin groups. Religion rather than law dominated in Zimbabwe, and many women still had little say in important issues relating to their marriages. The two partners in a marriage were expected to contribute to each other's maintenance. Divorced women who had married under general law or who had registered their customary-law unions were entitled to a share of the matrimonial property and to maintenance. However, divorced women seldom claimed maintenance for themselves. In divorce suits, courts invariably awarded mothers custody of their minor children.

20. Inheritance rights were governed by both general and customary law and, in some cases, a deceased person's estate was governed by both systems depending on the category of property in question. Furthermore, the distribution of an estate was frequently determined at the family level. Until July 1997, a wife could not inherit any of her husband's property because customary law was patrilineal. Currently, the surviving spouse(s) and the children of the deceased person were the major beneficiaries. Moreover, the surviving spouse(s) subject to customary law had a direct right to inherit from the intestate of a deceased spouse. Those changes had been brought about through cooperation between the Government and non-governmental organizations and had put an end to untold economic hardships for widows and children. Local non-governmental organizations had formed alliances with parliamentarians to lobby on various issues related to the advancement of women. The Government had welcomed that relationship and acknowledged receipt of the "shadow report" submitted by non-governmental organizations.

21. The national machinery for the advancement of women had prepared a list of statutes that did not conform to the Convention and had submitted it for consideration to the Ministry of Justice, Legal and Parliamentary Affairs. In particular, the Communal Lands Act needed to be amended in order to ensure that allocation of land under customary law, particularly in rural areas, did not discriminate against women.

22. The Convention had been translated into Shona and Ndebele, two major vernacular languages of Zimbabwe, and had been simplified into stories depicting the theme of each article in order to ensure that all people understood the Convention.

Article 2

23. Ms. ABAKA welcomed the fact that Zimbabwe had ratified the Convention without reservations and that it had established national machinery for the advancement of women. She was therefore surprised that Zimbabwe had taken so long to ratify the Convention, and she wondered whether there had been opposition to ratification. She asked what was being done to ensure that the benefits of the national machinery were available to rural as well as urban women, and requested information on the level of financial resources that were being allocated to programmes developed within the framework of that machinery.

24. States parties were expected to provide information on how they were implementing the Committee's general recommendations, and she wondered whether the Government was aware of those recommendations since the report made no mention of them. She requested information on what had been done to implement the Beijing Platform for Action.

25. It had been stated that women could lodge complaints of violations of their rights with the Ombudsman, and she enquired whether the Ombudsman's recommendations were legally binding. She also wished to know whether the provisions of the Convention had been incorporated into Zimbabwe's domestic law and whether victims could seek redress from the courts when their rights under the Convention were violated.

26. She welcomed the decision to train the police in the handling of victims of human rights violations. Similar training should be provided to doctors, nurses and paramedics, since the victims of such violence often required medical treatment.

27. Ms. BERNARD wished to know why the Ministry of Community Development and Women's Affairs had been dissolved, since government bodies of that nature were particularly important to the advancement of women. While she welcomed the decision to place foreign spouses of Zimbabwean men and women on an equal footing with regard to eligibility for citizenship, she hoped that further changes would be forthcoming, since the current system appeared to leave both foreign husbands and foreign wives at a disadvantage. It was encouraging that affirmative action was being taken to ensure the participation of women in the rural councils, and she hoped that efforts would also be made to increase the number of women mayors and judges. Women in all countries were hesitant to take a role in politics, and Governments must take steps to encourage them to do so.

28. Ms. FERRER GOMEZ said that the Committee recognized that cultural and traditional practices, particularly among the rural population, made it difficult for the Government to implement the Convention. She requested additional information on the functions of, and resources available to, the Department of Women's Affairs, gender focal persons and the Minister of State in the Office of the President responsible for women's affairs, and asked whether they cooperated with one another and whether there was a hierarchy among them. She wished to know whether the Government had any plans to re-establish the Ministry of Community Development and Women's Affairs or another similar body.

29. Ms. OUEDRAOGO said that it would be useful to know whether or not non-governmental organizations had participated in drafting Zimbabwe's initial report. She enquired whether any methods other than translation into local languages were used to disseminate the Convention in Zimbabwe. Information should be provided on the extent of illiteracy among women. She asked whether the staff of technical ministries involved in project implementation received gender-sensitive training. The Committee would also welcome additional information on personal and family codes in Zimbabwe.

30. Ms. HARTONO said that she hoped that the transfer of the Department of Women's Affairs to the Ministry of National Affairs, Employment Creation and Cooperatives would give greater impetus to its activities. The economic, political and social realities of women in Zimbabwe appeared to be far from ideal and the vast majority of women seemed unaware of their rights. She wondered what steps had been proposed to increase not only women's awareness of their rights but also men's awareness of their legal obligations. The Committee would also welcome information on how the current political unrest in Zimbabwe was affecting women and children.

31. Ms. RYEL said that the text of the Sex Discrimination Removal Act should be made available to the Committee. She also wished to know whether the Act prohibited sex discrimination that was otherwise permitted by customary law, and whether it covered all areas of social life. She wondered whether the absence of a specific definition of discrimination might not make it easier to promote affirmative action. She welcomed the appointment of gender focal persons as part of the national machinery to promote the equality of women.

32. The establishment of the Office of the Ombudsman and the proposal to broaden its mandate to include investigations of alleged human rights violations had been a positive development. She wondered whether the Ombudsman was still a woman, since that would encourage women to make use of the Office. It was important for the Government to provide the Office with adequate resources for its work.

33. She had noted with satisfaction that the Unit of Women's Affairs sponsored a "Women and the Law Project" for the purpose of disseminating information on family law and other relevant laws to the public in general and women in particular. That project could be supplemented by an internship system under which female law students provided legal assistance to women free of charge.

34. Ms. Yung-Chung KIM stressed the importance of disseminating the Convention and other legal instruments for the protection of women's rights. In that connection, she was pleased that the Convention had been translated into two of Zimbabwe's vernacular languages. She asked what impact the constitutional amendment to prohibit gender-based discrimination had had on the observance of customary laws. It would be interesting to know what contribution women's organizations had made to the preparation of the report. The Committee would also welcome information on the Government's financial commitment to the programme to combat discrimination against women, since adequate funding for such programmes was usually a reflection of political commitment.

35. Ms. JAVATE DE DIOS welcomed the participation of women's consultative groups and non-governmental organizations in the preparation of Zimbabwe's initial report. She was particularly pleased that a number of non-governmental organizations had independently shared their views with the Committee. Additional information should be provided on ways of enhancing the effectiveness of affirmative-action programmes; the current situation of violence against women; traditional and cultural practices that directly or indirectly hampered the advancement of women; and whether there was any resistance among men to the Government's policies on women.

36. Ms. AOUIJ said that the prevalence of customary-law marriage meant that women were not protected under the general law. The Government of Zimbabwe should make efforts to unify all laws in order to bring its legislation into line with the provisions of the Convention. The establishment of the Office of the Ombudsman, and especially the fact that the Ombudsman was a woman, had been a positive step towards the advancement of women. It would be useful to know the exact scope of the Ombudsman's authority.

37. Ms. FERRER requested additional information on the conditions under which acts were deemed not to be discrimination on the grounds of sex. She wished to know whether any women had claimed compensation for any damage they might have suffered as a result of discrimination. She also asked whether the Government was considering any new bills on women's equality or amendments to discriminatory laws. With regard to food entitlements, she suggested that the special provisions for women should be strengthened.

38. Ms. BERNARD said that Zimbabwean law recognized customary-law marriages for purposes relating to the status, guardianship, custody and rights of succession of children, but that no provision had been made for the equitable distribution of matrimonial property, and she wished to know whether there were any plans to rectify that situation.

39. Ms. ACAR asked what was being done to combat the strong traditional attitudes and practices that relegated Zimbabwean women to subservient positions, and whether those attitudes and practices were punished publicly and frequently at all levels of society. She also wished to know whether there were media campaigns to combat stereotyping, especially in areas where such stereotyping was prevalent. She asked whether the Government was sensitive to the social cost of the integration of women into the labour force as a result of its structural adjustment policy. Lastly, she wished to know the extent to which polygamy was practised in Zimbabwe, and the Government's attitude towards that practice.

Article 3

40. Ms. LIN Shangzhen commended the Government of Zimbabwe for the measures it was taking to achieve gender equality. She requested additional information about the structure and activities of women's organizations in Zimbabwe.

Article 4

41. Ms. FERRER asked about the Government's plans to encourage women to stand for election to political posts. In particular, she wished to know whether the Government intended to establish a quota system.

42. Ms. JAVATE DE DIOS said that the Government of Zimbabwe should consider adopting affirmative-action policies that promoted gender equality. She wished to know if, apart from the University of Zimbabwe, there were other universities or government bodies that encouraged admission of women through affirmative action. In the light of the widening gap between the number of men and women in politics, she urged the Government to consider instituting a quota system, as well as time-frames and numerical targets for the advancement of women. Implementation of the provisions of article 4 of the Convention could help improve the situation of unemployed female heads of household in Zimbabwe.

Article 5

43. Ms. RYEL said that the practice of paying a dowry made it difficult to change traditional attitudes about women, and she wished to know whether the Government was planning to eliminate that practice. She had learned from other sources that women dressed in ways that others deemed inappropriate were sometimes stripped in public, and she wished to know whether that was true. She also requested information on domestic violence; in particular, she wished to know if there were shelters available to victims of domestic violence. Efforts to reduce domestic violence should focus on changing the behaviour of perpetrators of such violence.

44. Ms. JAVATE DE DIOS said that Governments were responsible for creating an environment conducive to eliminating discrimination and gender stereotypes. She had received information from non-governmental organizations about violence committed against women, including stripping, rape, sexual harassment and female genital mutilation. She requested information about such occurrences, and wished to know how the Government was dealing with them. With regard to domestic violence, it was important to consider the reasons why men committed acts of violence against women and why society considered such behaviour acceptable.

The meeting rose at 1 p.m.